GRS IX–5]

Previous references 1922 (me)

File No 11-22

Serial Nos 2-3

Later references

Edu 223-22861-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for Feb-23

SUBJECT

Acquisition of properties in Davanagere for the Construction of a high School

3 To, The Deputy Commr Chitaldrug No d 4218/d 6 12 22

States that Govt do not think that the award is void for want of the publication of the notice and adds that the award may be sent to Mr Chakrapani Iyengar to rectify the mistake

Printed on the Multigraph

G R. S 11) 1922

GENERAL AND REVENUE SECRETARIAT.

(Rev)

NOTES.

File No 11-22

FILE HEADING

Acquisition of properties in the Chittaldroog District

From The Deputy Commissioner, Chittaldroog District

No. OC 1129/Rev/21-22 Dated 28 10 1922 Received 2 11 1922

Diary No 2267	Enclos 1/16 Spare Copies	Serial No 2

BRIEF ABSTRACT OF LETTER

States that in taking proceedings for the acquisition of properties specified in G.O. No 3672 Rev 10 21 6 & 22nd Dec 1921, the D.C. Davangere failed to issue the public notice under cl (1) of Sec 9 of L.A. Regn. & that he considers that for reasons given, that the requirements of Sec 9 (1) have been sufficiently fulfilled, & that the entry of 'Sikka' in the award passed for Sy No 50, as the person to whom the compensation amount is to be paid is a clerical error for 'Basappa' & that the compensation amt may be paid to the latter.

NOTES AND ORDERS

In para 3 of his letter (P.W.D.) the Dy Comr suggests a reference being made to the Govt Advocate in this matter. May he be consulted unofficially?

2 With reference to para 4 of the letter

attached

NOTES—First Sheet

G R. S III-2]

22775 n26p9 2

General and Revenue Secretariat | Rd File No. 11 of 1922

Serial No

P

D 2254
RC 11-22-1
-Marked to this-
HK
9/11/22

H. O. № 36
9/11/22

GEN SEC RL
20 NOV 1922

H.O. 105/bk/22-23
9/11/1922

attention is invited to letter No E266 Edn 223-22-2 dt 25.10.22 issued by the Govt of Edn stating that a moiety of the cost debitable to Mi Edn budget will be sanctioned along with the Estimate for the building

HK
9/11/1922

3 Forwarded, with compliments, to the Govt Advocate in Mysore for favour of

By Order,
S Subbaramayappa,
For Rev. Secy to Govt

11/11/22

4 Section 9 directs that a public notice should be given at convenient places on or near the land to be taken. But the section does not specify that such notice should be given either in writing or in any particular way. As the object of the section is to notify the fact proceeded against with a view to enable all persons interested in the land to state their objections before the L.A. Off

Note—Contn sheet

G. R. S. III-2]

General and Revenue Secretariat

ML File No. 11 of 1922

Serial No.

~~Such~~ object appears to have been
desired in the present case as all
persons interested appear to have
had their say before the Officer
5 Further the fact that there
was a "public Mahazar" relating
to the market value of the lands
in question implies that the
people in the locality had sufficient
notice Mere fact that there
was no formal notice in writing
does not amount to a total absence
of notice. It may be that the
notice was given by intimation
by beat of drum or through acquaintances
etc. It appears to us, therefore,
that it cannot be said that
there was no notice of the kind
referred to in S. 9. (1) of the Act.

As regards the 2nd point
viz the clerical error - it is
clear that it is a mere slip of the
pen. The earlier portion of the
award clearly refers to Basappa
bin Channabasappa as the
person in possession and as the
proprietor

NOTE—Contn. sheet.

G. R. S III-2]

General and Revenue Secretariat | Mil File No 11 of 19 22

Serial No

thereof and mention of Sivakka's name is a ~~mistake~~ mistake.

7 There cannot therefore be any objection to the payment of the amount awarded to the real owner Basappa. But to avoid any possible difficulties it would be better to record statements of both Basappa & Sivakka, making a specific reference to this clerical error and to secure the consent of Sivakka to the payment in respect of S No. 50/4 being made to Basappa.

8 It is quite open to any officer to correct clerical mistakes in a document prepared by him as this is an inherent power vested in a public officer. But as the officer who made the award has since left & transferred the defect can be cured by recording statements of the parties concerned in the manner indicated above.

Ullankeri 22/11/22
Govt Adeny
18/11/22

NOTE —Contn sheet

G. R. S. III-2]

General and Revenue Secretariat | Jud File No 11 of 1922

Serial No.

9 Draft in accordance with the above opinion may be put up

Dcg 20/11/22

10. Draft letter is put up.

MK 24/11/1922 11 for approval

2nd Member) Dcg 28/11/22

Sd/- 28/11/22

12 I don't know much whether I am drawing up a Notification in a supreme position which I am not aware. The point that is not known and not to be stated. It may be stated that as advised I do not think that I am aware of void for want of publication of the notice As regards the contents of the notice, the word may be used to the Chief Engineer or he may be asked to rectify the mistake.

Sd/- 3/12

13 See the last para of the Commr's letter - keeping the report View Ed. Circular after issue of order

Sd/- 3/12 4/12/22

14. Revise draft accordingly.

Dcg 4/12/22

NOTE.—Contn. sheet.

G R. S III-2,

General and Revenue Secretariat | Mil File No. 11 of 1922

Serial No

15 Draft has been revised and submitted for approval

16 With reference to para 13 it is submitted that para 2 above records what action has been taken in the Bombay as regards the recovery of the cost of cheque payable by the Bombay Govt. The file will also have to be sent to that Govt as ordered

HMK
5.12.1922 17 Dec
Sd/-

3 To Under Secretary to Govt
No. L 4218 dated 6.12.22 Govt do not think it
with ref to 2 states that the amount
is held for want of publication of the notice
and adds that the amount may be sent to
the Chakrapani Iyengar to rectify the
mistake.

18 Forwarded to the Bombay with
reference to para 13 supra

HMK
9.12.1922 Sd/-

19. Govt have received
no communication from the Govt
of Bombay regarding the
[illegible]

NOTE—Contn. sheet.

7

D-26-20

2847

R. S III-2]

General and Revenue Secretariat

File No of 19

Serial No.

Govt has been authorized to include this amount for sanction along with the estimates for the building, which are under revision with the P W D - Attention is also invited to Genl Dept No 1 in the appendix to G.O. 923-R- regarding payment of acquisition amount.

20

L S G Br

20

Recd 12/12

21 Field for personal with reference to 13 supra.

12 12 1922 (2nd Member)

Dcg 13/12/22

3887
13 12-22

12 DEC 1922

REVENUE & BUILDING SECRETARIAT

8 FEB 1923

LOCAL & F GOVT BRANCH

Notes—Contn. sheet

8

Mc 1129 Rev 21-22 — 30-10-22 & Records

Office of the Deputy Commissioner,
Chitaldrug District
Dated Chitaldrug, 28th October 1922.
30

To Syed Taj Pecran Esquire, B.A.,
Deputy Commissioner,
Chitaldrug District.

To T. E. Jayarama Iyer Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Revenue Department,
Bangalore.

Dept. L. 2267 4 NOV 1922 Land & Forest BRANCH.

Mc 11-22—2

Sir,

I have the honor to forward herewith copy of letter No.C.94 of 18-19 dated 9-10-1922 from the Sub Division Officer, Davangere together with the file of correspondence received therewith, containing the proceedings connected with acquisition of S.Nos.48, 50 and 51 of Davangere for the construction of a High School building at Davangere and to state as follows:-

Government were pleased to sanction the acquisition of S.Nos.49, 50, 51, 52 and 53 of Davangere village, Davangere Taluk for the construction of the Davangere High School, the Sub Division Officer being appointed to take order for the acquisition, in their proceedings No.L.3670-1/M1.10-21-5 dated 22-12-1921 Mr. Chakrapani Iyengar, the then Sub Division Officer conducted the acquisition Proceedings accordingly and passed awards in respect of S.Nos 48,50 and 51 in the month of May last as may be seen from the file enclosed. Mr. Chakrapani Iyengar has subsequently been permitted to go on privilege leave, and Mr. Chennaraj Urs posted to Davangere Sub Division The latter officer now brings to notice that in conducting the acquisition Proceedings, the public notice contemplated in clause 1 of section 9 of the Land Acquisition Regulation does not seem to have been issued by Mr. Chakrapani Iyengar and seeks instructions as the omission in his opinion seems to be a material irregularity rendering the proceedings invalid. But though a formal notice under clause 1 of section 9 may not have been given and in my opinion the omission may not render the entire proceedings invalid in view of the fact that the people [illegible] near the land i, e, the public at Davangere had full notice of the acquisition proceedings. For instance the people of Davangere have recorded a public mahazar on 19-4-1922 regarding the market value of the lands in question. I hold therefore that the requirements of clause, 1 and 2 of section 9 have been sufficiently fulfilled.

2 The Sub Division Officer has brought to notice another small [illegible]

[illegible] pointed by Mr. Chakrapani Iyengar in respect of S.No.30/1. It is pointed out that though the owner of the S.No.of 50/1 recorded by the acquisition officer (Mr. Chakrapani Iyengar) himself to be one Basappa in one place of the award, the compensation due in respect of the land is ordered to be paid to one Sivakka further down in the same award. Mr. Chennaraj Urs considers it as a clerical error but it is realy a slip of the pen committed by the awarding officer and I think that as the rightful owner of the S.No.51/1 is correctly recorded after enquiry, the compensation due may be paid to him instead of to Sivakka.

3 Under the circumstances I request you to be so good as to intimate after consulting the Government Advocate if necessary whether the views I hold about the irregularities pointed out by the Sub Division Officer are sound and can be given effect to or whether fresh proceedings should be started for the acquisition of the survey numbers especially in view of the fact that some of the survey numbers have already been taken possession of in connection with the laying of the foundation stone for the High School Building during the recent visit of the Dewan to Davangere.

4- In this connection, I beg to add that half the amount of compensation payable for the lands viz, Rs 3539-2-0 has to be met by the Education Department. The Inspector General of Education has written in his Nos.Ed.6448/20-21 dated 28-8-1922 and Gl.C.1896/18-19 dated 22-7-1922(copy enclosed) that recommendation has already been made to Government to make the amount available for payment and I request very early orders of Government in the matter, as the claims of the owners of the lands have to be satisfied, urgently

I have the honor to be,

S I R,

Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

Recd from the Govt

[illegible] to the Deputy Commissioner, Chitaldrug

With reference to your No.O.C.1129 Rev.of 21-22 dated 19th May 1922 forwarding the awards passed in respect of the acquisition of S.Nos.49, 50 & 51 of Davangere for the construction of a High School at Davangere, I have the honor to state that on a perusal of the records relating to the acquisition proceedings I find that notices have been served on the Khatedars and the persons said to be in possession of the lands to be acquired as required in para 3 of section 9 of the Land Acquisition Regulation VII of 1304 and that no public notice seems to have been given as required in para (1) of the said section.

2. The compensation amount which has been awarded to the parties has not been paid yet as the Education Department has not yet placed its half of the cost of acquisition at the disposal of the Acquisition Officer. As the omission to give the public notice under clause 1 of section 9 of the Land Acquisition Regulation seems to me to be a material irregularity, I request your instructions as to how I should proceed in the matter and as to whether I can make the payment of the compensation amounts to the parties mentioned in the award order after the quota payable by the Education Department is received.

3. The cheque given by the Davangere Municipal President in respect of the quota payable by the Municipality is also enclosed. It has not been cashed yet on account of the nonreceipt of the quota payable by the Education Department. As possession of some of the numbers has already been taken by the Amildar in connection with the laying of the Foundation Stone for the High School Building I request that the Education Department may be moved to place the amount payable by it immediately at my disposal. Otherwise, there is a likelihood of the owners claiming interest from the date they were dispossessed.

4. My predecessor in office has stopped further proceedings in respect of the acquisition of the other Survey Nos.Viz., 49, 52 and 53 whose acquisition has also been sanctioned by Government along with that of S.Nos.49, 50 & 51, on the ground that the Municipality is now unable to bear the cost of acquisition and that further the acquisition of these numbers is not so pressing. A reference has this day been made to the President of the Municipality to let me know the views of the Council definitely as to whether they want the acquisition of these numbers or not immediately. In case the Municipality is of opinion that the acquisition is not so pressing, it seems to me that the proposal to acquire them will have to be cancelled by Government. Whenever there is any need for those numbers in future the Municipality may again obtain sanction of Government to acquire them.

5. On looking into the award order in respect of S.No.50/1 I find that my predecessor has ordered that the compensation amount due to it should be paid to Sivakka though he has written that Basappa is its owner. It seems to be a clerical error and I request instructions as to what should be done in respect of it.

6. The entire file of records relating to the acquisition of the lands in question is herewith submitted for reference and kind return when no longer required.

Letter No.Rl C.6449 dated 23th August 1922 from the Inspector General of Education in Mysore to the Deputy Commissioner, Chitaldrug, District.

With reference to correspondence ending with your letter No.O.C.1129 Rev.21-22 dated 24th August 1922 re the acquisition of a site for the Davangere High School, I have the honor to state that I have no objection to the suggestion of the Sub Division Officer, Davangere for meeting half the cost of acquisition of the site out of Municipal Funds as an advance and getting the same reimbursed soon after the estimate including the cost of acquisition is sanctioned by Government.

Copies of your communication under reply have also been submitted to Government for early action.

[illegible]

P. P. O.

Letter No.G1.C.1896 of 18-19 dated 22nd July 1922 from the Inspector General of Education in Mysore, to the Deputy Commissioner, Chitaldrug District.

With reference to your letter No.C.C.1129/R.M.21-22 of 19th May 1922 requesting that a sum of Rs 3,539-2-0 being one half of the cost of compensation payable for the acquisition of lands may be placed at the disposal of the Sub Division Officer, Davangere, I have the honor to state that the cost thereof has to be met from the funds of the Public Works Department Budget. A recommendation has accordingly been made to Government and on receipt of their order, the same will be communicated to you and arrangement for payment made.

COPIES'

Deputy Commissioner,
Chitaldrug District

12

G R S VI—

SUBJECT ..

Diary No. of letter replied to 22672

General and Revenue Secretariat
(LSG)
, the 191

Date of issue 6/12/22

Signed by

Section Jud
File No 11 22
Serial No 3
No. L 1421 & Enclosures

To The Deputy Commissioner
Thirdwap Dist-

Sir,

With reference to your
letter No OC 1129 Dtd 21-22 &
28th Oct 1922 reporting certain
objections and representations urged
on the part of the [illegible] & others
[illegible] in the matter of taking
proceedings for the acquisition
of properties specified in
Notn No 3672 Jud 10-21-6 &
the 22nd Dec 1921, I am directed
to

2

~~to forward herewith for your~~
information and necessary
action a copy of the opinion
of the Govt Advocate in
the matter - - -

3 The records received
with your letter under reply
are herewith returned

I have etc

for Secy to Govt Bombay

24.11.1922

to state that as
advised by the Govt
Advocate Govt do
not think that the
award is void for want of
publication of the Notice
2 As regards the correction
of the mistake, Govt think
that the Award may be
sent to Dr Bhattacharya
Dyapan and he may be
asked to certify the mistake

24

List of enclosures.

Copied by

Examined by